

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SY-05 MCT-01 A-01 CIAE-00 INR-07  
NSAE-00 PM-04 NSC-05 SP-02 SS-15 L-03 H-01 PRS-01  
EURE-00 SSO-00 NSCE-00 INRE-00 /058 W  
-----271249Z 079121 /45

O R 271130Z MAY 77

FM AMEMBASSY NICOSIA  
TO SECSTATE WASHDC IMMEDIATE 5918  
INFO AMEMBASSY ANKARA  
AMEMBASSY ATHENS  
AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 1416

E.O. 11652: N/A  
TAGS: PFOR, CY, US  
SUBJECT: DAVIES TRIAL

SUMMARY: IN THIS, THE SIXTH OF OUR CHRONOLOGICAL REPORTS ON TRIAL HIGHLIGHTS NOT OTHERWISE REPORTED, THE DEVELOPMENTS OF MAY 23, 24 AND 25 ARE SET FORTH. SUPT. SOLOMONIDES TESTIFIED CONVINCINGLY THAT THE FATAL SHOTS WERE FIRED FROM A POINT AT LEAST 260 FEET FROM THE VICTIMS. THE CONFLICTING AND CONFUSING TESTIMONY BY INSPECTOR PETRIDES AND SERGEANT KATSIKIDES REGARDING THE LEONIDAS STATEMENT IS COVERED IN DEPTH, AND EXPLAINS WHY HIS ACQUITTAL CAME AS NO GREAT SURPRISE. THE PROCEDURAL SPARRING WHICH PRECEDED THE ADMISSION INTO EVIDENCE OF LEFTIS' STATEMENT IS REPORTED, ALONG WITH OUR FAVORABLE ASSESSMENT OF ITS IMPACT ON THE TRIAL. END SUMMARY.

1. PROCEEDINGS OF MAY 23. POLICE SUPT. KYRIOCOS SOLOMONIDES TESTIFIED AS FOLLOWS:

A. HE VISITED THE EMBASSY AT ABOUT 1300 HOURS ON AUGUST 19, 1974 AND COLLECTED A NUMBER OF EMPTY TEAR GAS CANNISTERS AND CARTRIDGE CASINGS. THE LATTER WERE FOUND  
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IN TWO GROUPINGS, EIGHT FEET APART, AT THE BASE OF THE BUILDING UNDER CONSTRUCTION, WHICH WOULD BE ABOUT 198 FEET FROM THE SOUTH SIDE OF THE EMBASSY.

B. MARK MULVEY, EMBASSY RSO, SUBSEQUENTLY GAVE HIM TWO BULLET FRAGMENTS FOUND NEAR THE PLACE WHERE THE AMBASSADOR WAS SHOT; ONE ON THE RUG AND ONE IN THE WALL.

C. HE DETERMINED THE PLACE WHERE THE AMBASSADOR FELL

WAS 62 FEET FROM THE FRENCH DOORS OF THE AMBASSADOR'S OFFICE WHICH FACE THE BUILDING UNDER CONSTRUCTION. HE CONCLUDED THE DISTANCE FROM THE GUNMEN TO THE VICTIMS WAS ABOUT 260 FEET.

D. HE RECALLED THAT IN THE ORIGINAL DAVIES INVESTIGATION HE HAD TAKEN ABOUT 50 STATEMENTS. ONE WAS FROM KTIMATIAS.

E. HE HAD KNOWN STELIOS STYLIANOU FOR ABOUT 20 YEARS. HE DID NOT RECALL TAKING A STATEMENT FROM STYLIANOU OR SEEING ONE. HE HAD NEVER GIVEN ORDERS TO ANYONE TO TAKE SUPERFICIAL STATEMENTS IN AN EFFORT TO CLOSE THE CASE.

F. HE TOOK THE FIRST KTIMATIAS STATEMENT AT CHIEF/CYPOL PANTELIDES' REQUEST IN THE CONFERENCE ROOM AT POLICE HEADQUARTERS. KTIMATIAS WAS CARRYING A SIDEARM DURING THE INTERROGATION. KTIMATIAS DID NOT HAVE AN AUTOMATIC WEAPON WITH HIM. HE CHECKED OUT KTIMATIAS' ALIBI, THEN RELEASED HIM. (COMMENT: SOLOMONIDES' STATEMENT TO CYPOL WAS CLEAR THAT THE HAD RECEIVED SUFFICIENT INFORMATION TO ORDER THE ARREST OF KTIMATIAS ON THE DAY AFTER THE DAVIES MURDER, BUT PANTELIDES DIRECTED HIM NOT TO DO SO. AS WE SEE IT, THE CAREFUL AND NON-OFFENSIVE INTERROGATION OF KTIMATIAS, IN AUGUST 1974, AT WHICH HE WAS ALLOWED TO WEAR HIS SIDEARM, FOLLOWED BY HIS EARLY RELEASE AFTER HIS ALIBI WAS ACCEPTED, CERTAINLY SUGGESTS KTIMATIAS HELD A UNIQUE STATUS WITH CYPOL AT THE TIME AND HAD THE COMPLETE SUPPORT OF PANTELIDES. WE RECALL THAT THE CURRENT CHIEF OF CYPOL, SAVVAS ANTONIOU, ADVISED PHERSON THAT KTIMATIAS HAD SERVED AS PANTELIDES' "HATCHET MAN," REPORTING ON PRO-MAKARIOS ACTIVITIES WITHIN CYPOL DURING THE COUP. END COMMENT.)

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G. HE HAD CONSIDERED THE POSSIBILITY THAT THE FATAL SHOTS COULD HAVE COME FROM INSIDE THE EMBASSY, HAD INTERVIEWED THE EMBASSY STAFF, AND HAD RULED IT OUT.

H. HE NEVER TOOK A STATEMENT FROM LEFTIS.

I. THERE WAS ANOTHER CYPOL OFFICER NAMED SOLOMONIDES, BUT HE HAD NO CONNECTION WITH THE DAVIES INVESTIGATION.

2. ACTING SERGEANT TAKIS KATSIKIDES (CID) TESTIFIED HE WAS DETAILED TO THE CASE IN MAY 1976. HE ASSISTED IN THE SEARCH OF THE KTIMATIAS RESIDENCE. HE ACCOMPANIED INSPECTOR PETRIDES TO SEE CHRISTAKIS LEONIDAS, WHOM THEY BELIEVED MIGHT BE A PROSECUTION WITNESS. HE TOOK A STATEMENT FROM LEONIDAS. (NOTE: AT THIS POINT THE DEFENSE OBJECTED TO THE ADMISSION OF THE LEONIDAS STATEMENT, CLAIMING IT HAD NOT BEEN TAKEN FREELY AND VOLUNTARILY. THE COURT STATED IT WOULD RULE ON THE ADMISSIBILITY OF THE STATEMENT ON THE FOLLOWING DAY.)

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C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 1416

3. KATSIKIDES CONTINUED THAT HE HAD TAKEN THE LEONIDAS STATEMENT AT POLICE HEADQUARTERS AND HAD NOTED THAT IN THE STATEMENT LEONIDAS HAD IMPLICATED HIMSELF IN RIOTING AND CAUSING DAMAGE TO THE EMBASSY. KATSIKIDES STATED THAT NO PHOTOGRAPHS OR FILMS WERE SHOWN LEONIDAS UNTIL AFTER LEONIDAS HAD COMPLETED HIS STATEMENT.

4. INSPECTOR ANTONIS PETRIDES TESTIFIED HE HAD SEEN LEONIDAS IN AN EMBASSY FILM OF THE RIOTS AND BELIEVED LEONIDAS COULD HEOP THE GOC'S CASE. HE ADDED THAT THE CYPRUS INTELLIGENCE SERVICE HAD ALSO FURNISHED HIM INFORMATION ON LEONIDAS. PETRIDES DENIED THE DEFENSE CONTENTION THAT HE HAD UNDULY INFLUENCED LEONIDAS TO HELP CYPOL AND HAD PROMISED HIM HE WOULD NOT BE HURT BY HIS COOPERATION. PETRIDES CLAIMED HE HAD SHOWN LEONIDAS THE FILM THE DAY AFTER HE TOOK THE STATEMENT. WHILE VIEWED THE FILM, LEONIDAS EXCLAIMED, "LOOK AT ME\*" END OF MAY 23 PROCEEDINGS.

5. PROCEEDINGS OF MAY 24:

A. THE PETRIDES CROSS-EXAMINATION: PETRIDES RECALLED HE HAD MENTIONED TO LEONIDAS IN A COFFEE SHOP, PRIOR TO  
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TAKING HIM TO POLICE HEADQUARTERS FOR QUESTIONING, THAT

"WE WANTED HIM IN CONNECTION WITH THE EMBASSY DEMONSTRATION." LEONIDAS WAS NOT READ HIS RIGHTS UNTIL LATER.

B. THE LEONIDAS ACQUITTAL: THE COURT CONCLUDED THAT THE PROSECUTION'S EVIDENCE CONTAINED INCONSISTENCIES AND DISCREPANCIES. FURTHER, THE CIRCUMSTANCES UNDER WHICH HIS STATEMENT WAS TAKEN CREATED DOUBT AS TO WHETHER IT WAS MADE FREELY. THE PROSECUTION SAID IT HAD NO OTHER, OR INDEPENDENT, EVIDENCE AGAINST LEONIDAS, ONLY HIS OWN STATEMENT. THE COURT THEN ACQUITTED LEONIDAS ON ALL COUNTS.

C. KATSIKIDES' TESTIMONY CONCERNING LEFTIS: KATSIKIDES SAID THAT ON SEPT. 3, 1976 HE SEARCHED THE RESIDENCE OF LEFTIS AND FOUND A POLICE INSPECTOR'S UNIFORM, A TELEPHONE APPARATUS, A (MILITARY) PISTOL HOLSTER AND A BAYONET. LEFTIS WAS TAKEN TO POLICE HEADQUARTERS, INTERROGATED, AND ASKED TO SIGN A STATEMENT. AT THIS POINT THE DEFENSE OBJECTED, CLAIMED THE STATEMENT HAD BEEN OBTAINED IMPROPERLY AND WAS THEREFORE INADMISSIBLE. THE COURT AGREED TO RULE ON THE ADMISSIBILITY OF LEFTIS' STATEMENT ON MAY 25. END OF MAY 24 PROCEEDINGS.

6. PROCEEDINGS OF MAY 25: THE ENTIRE DAY WAS SPENT IN ARGUING THE ADMISSIBILITY OF LEFTIS' STATEMENT:

A. THE DEFENSE HELD THAT JUDGES RULE NO. 3 MUST APPLY, IN THAT THE POLICE MUST HAVE KNOWN, AFTER RECEIVING STYLIANOU'S STATEMENTS, THAT THERE WERE GROUNDS FOR CRIMINAL CHARGES AND LEFTIS HAD NOT BEEN INFORMED HE MIGHT BE PROSECUTED.

B. THE PROSECUTION SUPPORTED POLICE CLAIMS THAT JUDGES RULE NO. 2 MUST APPLY, IN THAT THERE WAS NOT AT THAT PARTICULAR TIME SUFFICIENT EVIDENCE TO CHARGE LEFTIS OR TO INFORM HIM HE MIGHT BE PROSECUTED. THE ARGUMENT OF THE DEFENSE AT THIS POINT BECAME MORE SPECIFIC, CONTENDING THAT THE EFFECT OF STYLIANOU'S STATEMENT WAS OF SUCH MAGNITUDE IT SHOULD HAVE CONVINCED

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THE POLICE THAT LEFTIS SHOULD BE CHARGED FORTHWITH, OR AT LEAST BE INFORMED HE MIGHT FACE CHARGES OF PREMEDITATED MURDER, RIOTING, POSSESSING ILLEGAL WEAPONS AND CAUSING DAMAGE TO THE EMBASSY. THE PROSECUTION INSISTED THE POLICE HAD INSUFFICIENT EVIDENCE AT THE TIME AND THAT THE STYLIANOU INFORMATION SHOULD NOT HAVE BEEN ACTED ON UNTIL LEFTIS HAD HAD THE CHANCE TO EXPLAIN HIS PRESENCE AND ACTIONS IN THE EMBASSY AREA ON AUGUST 19.

C. THE COURT SUSTAINED THE PROSECUTION'S ARGUMENT, RULING THE POLICE HAD ONLY REASONABLE SUSPICION AT THE TIME AND WERE IN THE PROCESS OF GATHERING MORE INFORMATION. THE COURT THEN RULED THAT LEFTIS' STATEMENT WAS ADMISSIBLE.

7. COMMENT: THE COURT'S RULING THAT LEFTIS' STATEMENT IS ADMISSIBLE EVIDENCE IS A SIGNIFICANT DEVELOPMENT. THE DECISION COULD HAVE GONE EITHER WAY, WITH GOOD ARGUMENTS ON EITHER SIDE. THE SAME SITUATION PREVAILED IN THE LEONIDAS CHALLENGE, WITH THE RESULTING ACQUITTAL OF THE ACCUSED ON ALL COUNTS. THE FACT THAT THE COURT SUPPORTED THE PROSECUTION'S POSITION ON THE MUCH MORE IMPORTANT MATTER OF THE LEFTIS CHALLENGE IS THEREFORE GRATIFYING, WITH POTENTIALLY POSITIVE IMPLICATIONS FOR THE REMAINING PROCEEDINGS.

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